

forenamed, including all the lesser companies whose lines were being operated by the New York City Railway Company under lease and all the stockholders of the Metropolitan Street Railway Company and the Metropolitan Street Railway Company itself.

"The diversion of the funds from the capital of the New York City Railway Company to the Metropolitan Street Railway Company, and the use of such capital in the operation, maintenance and improvement of the subway system, and was a breach of the public duty and obligation assumed by the New York City Railway Company under its franchise and imposed upon the defendants as directors."

In conclusion the prayer of the plaintiff is a request of the court to have every agreement between the New York City Railway Company and the Metropolitan Street Railway Company for the issue of the Metropolitan Street Railway Company of debenture notes at 70 per cent of face value decreed null and void and set aside.

The court is also asked for an order to compel the directors to restore the \$2,737,200, and an additional sum of at least \$250,000, the total amount of the directors at \$3,225,000, or nearly \$400,000 each.

APPLE EXHIBIT GETS FINE PRAISE

Best Showing of High Grade Fruit Ever Made in Virginia.

(Special to The Times-Dispatch.) Winchester, Va., January 6.—The fourteenth annual convention of the Virginia Horticultural Society closed its two days' session here to-day, to meet in Roanoke next January. The meeting was one of the most successful in the history of the society, and the apple exhibit, which was held in connection with the convention, is said to be the finest showing of high grade apples ever made in Virginia.

Professor H. E. Van Deman, recognized authority on horticulture, said to-day: "I have just come back from judging a fruit exhibit in the famous Hood River Valley, in Oregon, and the excellence of that in the Hood River Valley, which has the reputation of growing the finest apples in the United States, I have seen many larger exhibits of apples, but this is a revelation, and really I do not think that there has been any other similar exhibit made in the Eastern States."

Among the speakers at to-day's session were Professor H. W. Collingwood, editor of the Rural New Yorker; H. C. Wyser, of Dublin, Va.; Hon. Henry C. Stuart, of Russell county, and Dr. J. B. Emerson, of Albemarle county. Despite the inclement weather the apple-growers visited the famous Lupton orchards, four miles west of Winchester, and later took luncheon at ex-Senator's Lupton's home. The awards at the apple show were announced, there being several hundred winners. The apple county winners were very fortunate. S. Guerrant, Calloway, first premium, diploma; W. S. Hiett, Winchester, Northwestern Greening, diploma. The Emerson cup, Charlottesville competition, goes to Dr. L. P. Parsons, of Massie's Mills.

Modern Farm challenge cup goes to T. W. Stock, Winchester. Special award by Dr. J. P. Emerson, of Albemarle county, Va., of \$50 for the best five boxes, goes to John Thwait, Winchester. Others who carried off leading awards, T. W. Stock, T. W. Emerson, John C. Cather, M. L. McCue, P. H. Goid, Stewart Bell, E. F. Cole, J. L. Robinson, John L. Bond, Dr. S. Guerrant, Dr. E. P. Parsons, Thomas Craig, M. L. Gilkren, Thomas H. Mash, W. S. Hiett, Walter Merkin.

President W. W. Sprout, of Augusta, was renominated, but declined the office, and the election of officers resulted as follows: President, Dr. S. Guerrant, of Calloway; Secretary, Walter Whiteley, Crozet; Treasurer, T. W. Woolen, Crozet; Vice-Presidents, H. C. Wyser, Dublin; C. P. McCue, Greenwood; W. W. Sprout, Millbrook; Stewart Bell, Winchester; W. T. Hood, Richmond, and J. L. Moomaw, Cloverdale.

ACKERT GOES WITH HAWLEY RAILROADS

Leaves Southern and Takes Position Under Theodore P. Shonts.

New York, January 6.—Charles H. Ackert, who resigned to-day as vice-president and general manager of the Southern Railway, will become vice-president and superintendent of operation of the following railroads: Chicago and Alton, Toledo, St. Louis and Western; Minneapolis and St. Louis, and the Iowa Central, which are known as the Hawley railroads. His headquarters will be in Chicago.

A story was current in financial circles several days ago that Mr. Ackert would succeed Theodore H. Shonts as president and general manager of the Interborough (subway) Rapid Transit Company. The announcement to-day, however, places Mr. Ackert in a position under the control of Mr. Shonts, as the latter is president of the railroad, and Mr. Ackert now becomes the vice-president and superintendent of operation and maintenance.

The official announcement of Mr. Ackert's new position was made this afternoon by Mr. Shonts.

Co-Partner Promoted.

Washington, D. C., January 6.—In announcing the resignation to-day of C. H. Ackert, vice-president and general manager of the Southern Railway, said that E. H. Coopers, manager, had been promoted to the position of general manager, reporting to the president on January 15. The office of manager will be abolished on that date.

Hood's Sarsaparilla

Makes the blood of the right quality—normal in red and white corpuscles and all other constituents. It builds up the whole system.



To avoid colds and to avoid missing school in stormy weather this rainproof coat is the simple solution.

Nothing more risky than sitting in damp clothes. \$7.50 insures comfort and health.

Get them full in size and they'll last for several years. Rubberized Coats, military collars, \$9 and \$10. Sizes up to 19 years.

Misses' Coats, \$3.50 and up.

CH. Berrubco

MIN'S BOYS' OUTFITTERS

DESPERATE FIGHT IN BANK

Desperadoes Attack Clerks and Give Battle to Crowd in Street.

New York, January 6.—In a daring attempt to hold up and rob a private bank in this afternoon, four desperadoes attacked the clerks in the bank, shot one of them, inflicting a mortal wound, and then gave battle to a crowd in the street. Two escaped.

Two men were arrested, who were identified by the wounded man as members of the gang. Simon Korn, owner of the bank and steamship ticket agency, had gone to lunch, leaving his brother, Samuel Korn, in charge, with several clerks at their desks, when four men, apparently foreigners, entered and inquired about steamship tickets. Samuel Korn suspected their motives and grabbed a tray containing several thousand dollars in coin and currency, and attempted to carry it to a safe. Two of the intruders then leaped over a counter and tried to seize the money. In the fight one of the robbers fired several shots at Korn, one of which penetrated his neck, inflicting a wound, from which, it is said, he may die.

The shots attracted persons from the street, and the four men attempted to get away. As they ran from the front door, they were stopped, momentarily, by the crowd. There was a lively fight, and the intruders were fired and several citizens knocked down.

Two of the robbers got away, but a score of men were hanging on to two other men when the police arrived. The two men arrested described themselves as Russians, and denied any complicity in the affair. They were led to the police station, where they were two of the four men who had attempted to rob the bank.

NEW CHARTERS ISSUED

Charters were granted as follows yesterday by the State Corporation Commission: Washington and Leesburg Turnpike, President, John C. Hopkins, vice-president, Ashburn, Va.; Capital, \$100,000; minimum, \$50,000. Objects: To build a turnpike from a point opposite city of Washington to Leesburg, Va., through counties of Alexandria, Fairfax and Loudoun.

Atlas Specialty Company (Inc.), Richmond. President, J. H. Hiett, vice-president, J. G. Pollard, Jr. of Richmond. Capital, \$100,000; minimum, \$50,000. Objects: Mercantile business.

Rule-Write Printing Corporation, East Falls Church, Va. A. D. Torreyson, president; Robert W. N. Newell, secretary; East Falls Church, Va. C. H. Harley, Washington, D. C. Capital, \$100,000; minimum, \$50,000. Objects: Printing, publishing, etc.

Virginia Hide and Fur Company (Inc.), Norfolk. A. Lewis Baer, president; Moses Baer, vice-president, both of Baltimore; George K. Baer, secretary, treasurer, Norfolk. Capital, \$100,000; minimum, \$50,000. Objects: Deal in all kinds of hides, furs, etc.

THE WEATHER

Forecast: North Carolina—Rain or snow, followed by clearing and much cold, with a cold wave Friday; Saturday high, high northwest winds.

Virginia—Followed by clearing and much cold, with a cold wave Friday; Saturday high, high northwest winds.

CONDITIONS YESTERDAY.

8 A. M. temperature	32
Humidity	100
Wind direction	South
Wind velocity	10
Weather	Cloudy
Rainfall	63
12 noon temperature	37
3 P. M. temperature	43
Minimum temperature up to 5	27
P. M. temperature	43
Minimum temperature up to 5	27
Mean temperature	38
Normal temperature	38
Deficiency in temperature	3
Deficiency in temperature since March 1	490
Accum. deficiency in temperature since January 1	132
Deficiency in rainfall since March 1	7.05
Accum. deficiency in rainfall since January 1	6.52

CONDITIONS IN IMPORTANT CITIES.

Place	Ther.	H. T.	Weather
Galveston	40	42	Rain
Norfolk	62	68	Rain
Baltimore	66	66	Rain
Pittsburg	22	26	Rain
Pittsburg	28	30	Rain
Yellowstone	18	22	Rain
Okla. City	10	14	Clear
Washington	36	40	Rain
Cincinnati	64	68	Rain
Jacksonville	60	64	Rain
Savannah	60	62	Clear
Key West	72	74	Clear
Halifax	66	68	Cloudy
Asheville	48	52	Rain
Jupiter	70	76	Clear
Pampa	68	74	Rain
New Orleans	24	48	Rain
Atlanta	52	64	Rain
Memphis	18	20	Rain
St. Louis	10	18	Rain
Buffalo	10	20	Rain
Detroit	20	20	Rain
Charleston	64	70	Clear
Augusta	72	76	Rain

MINIATURE ALMANAC.

Sun rises... 7:27 January 7, 1910.

Sun sets... 5:07 Morning... 1:43

Moon rises... 2:28 Evening... 2:04

DECLARES GLAVIS IS MEGALOMANIAC

Wickersham Denounces Man Who Filed Charges Against Ballinger.

TEARS HIM TO TATTERS

Says He Caused Trouble Through Exaggerated Sense of His Own Importance.

Washington, D. C., January 6.—Denouncing L. R. Glavis as a megalomaniac and analyzing various correspondence and many of his acts in relation to the charges of misconduct against Secretary Ballinger and other officials of the Department of the Interior in dealing with the so-called Cunningham group of coal land claims in Alaska, in a report which he submitted to the Senate to-day, Attorney-General Wickersham declares that Mr. Glavis' statements are entirely disproved. He said that the President Taft dismissed Mr. Glavis from the public service.

Glavis' actions, Attorney-General Wickersham says, "appear to have been founded upon a wholly exaggerated sense of his own importance and a desire for personal advancement rather than upon any real desire to protect the interests of the government, and this species of megalomania has finally led him to submit to and conduct against his official superiors, which, in my opinion, are so unjust and unfounded as to merit his immediate separation from the service."

In his conclusions Mr. Wickersham says: "So far from taking action to suppress the Cunningham claims, the record clearly shows that Secretary Ballinger was scrupulously careful not in any respect to act upon these claims. The reason for this is that it was connected with the government, he had been consulted by some of the claimants, and had called upon Secretary Garfield for the purpose of ascertaining the attitude of his department in regard to the claims. In such circumstances, it was his duty to give his written or spoken expressions were favorable to these claimants. The utmost he did was to instruct the Land Office to promote and dispose of all pending cases."

Suggestion Unsound.

Mr. Wickersham characterizes as unsound the suggestion that it was unlawful for Mr. Ballinger to have any professional relation with these claimants because of his previous incumbency as Commissioner of the General Land Office.

The statute making it unlawful for any officer of the government to prosecute any case in which he was in office within two years after he ceased to hold such position, he says, applied to a claim for money against the United States, which view he upholds by citations of court decisions.

Mr. Glavis' claim that he prevented the investigation of the Cunningham claims by procuring a reference to the Attorney-General of the questions of law involved and the overruling by him of an opinion of the Attorney-General, Secretary Pierce, which would have enabled the Cunningham claimants to procure patents on their claims, is, he says, absolutely disproved by the record.

Mr. Glavis' report and summary he insists are found in contradictions and misstatements and that they are untrue to a degree that amounts to absolute suppression, letters, telegrams and other documents, some of which were in his possession and which were available to him and which completely refute inferences he seeks to have drawn from those which he does submit.

PINCHOT'S LETTER BOMB FOR SENATE

(Continued From Page One—Column 2.)

dent Taft sent out a hurry call for such members of his Cabinet as were within reach.

Secretary of State Knox, Secretary of the Treasury McAdoo, and Secretary of Agriculture Wilson soon put in an appearance.

It was said that Forester Pinchot's conduct in sending an official communication to the chairman of a congressional committee was freely discussed, although the President's officers who participated in the conference would discuss their call to the White House in any way.

President Taft some time ago issued an order that no subordinate in any government position should disclose any information to Congress except through the head of the department.

Mr. Pinchot in his letter virtually upholds Glavis and describes him as "the most vigorous defender of the people's interest in the department."

President Taft had declared Glavis unfit to longer remain in the public service. This direct slap at the President and the further declaration by Mr. Pinchot that the Cunningham coal lands really were about to go to fraudulent claimants until Glavis and the Forester Bureau officials took hand in the fight, thus impugning the intentions of high officials of the Interior Department, was said to have aroused Mr. Taft to keen resentment.

Some action as to Mr. Pinchot's course in the letter incident is not expected.

Y. M. C. A. Athletics.

In the junior team games yesterday afternoon the Romans won the running high kick and the basketball relay. The Greeks took the basketball game 7 to 2. A record of seven feet four inches was set in the high kick by John Johnson, the former record of seven feet was held by Johnson. Summary: James Miller and Wynne Johnson tied for first place at 7-4; Ned Vaughan-Loy third, 7-1; Charles P. Ward, fourth, 8-11.

The Basketball League games last night were played at the gymnasium at 8:45. The first game went to the squares 15 to 7. The Triangles won out the Hearts by two points. In the last game the Diamonds defeated the Stars 20 to 10.

The graded class will be conducted on Saturday night at 8:30 o'clock.

PERKINS IS INJURED

California Senator Has Bad Fall on Ice Pavement.

Washington, D. C., January 6.—Senator Perkins, of California, who slipped and fell on the icy pavement in front of his place of residence to-day, was reported to-night to be resting as well as could be expected. His fall took place when he was walking to his room, ordered him to remain in bed, owing to a suspected injury to the spine, and to intimation was given as to when the Senator would be able to resume his duties. He is experiencing little pain to-night, however, and although fearing from the shock, has developed but little fever.

Only One "BROMO QUININE" that is

Laxative Bromo Quinine

Cures a Cold in One Day, Grip in 2 Days

6 Tablets on every

box, 35c

Beneath Good Bread is Good Luck Baking Powder.

Every housekeeper has a keen and commendable pride in her bread, biscuit, cake and other dainties that tempt the appetite and build brain and muscle for the members of her family.

The food satisfaction—this absolute certainty of tasty and healthful food is a very simple and easy matter. Get your "Good Luck" Baking Powder.

The Southern Manufacturing Company
RICHMOND, VA.

NOT FRIGHTENED BY COMBINATION

Washington, D. C., January 6.—"The insurgent Republicans of the House are not intimidated by the action of the administration in withholding patronage from them, and are not afraid to combine with any apparent combination of President Taft and Speaker Cannon against us."

This was the declaration to-day of Representative Norris, of Nebraska, one of the leading insurgents of the House. Mr. Norris resented a statement published to-day to the effect that the insurgents were "lying down" under the edict of the administration.

On the contrary, Mr. Norris criticized President Taft himself for the act of the administration in singling out insurgent Representatives for punishment.

"President Taft is making a grave mistake by aiding Cannon in this way, and I want to say so unhesitatingly," continued Mr. Norris. "I do not object, nor do any of the insurgents object, as far as I know, to the withholding of patronage from us. But I denounce this singling out of men who have opposed Cannon and the House organization for an infliction of punishment."

"How can the President say that we are opposed to his policies and declare that we are to be punished for it when we have not opposed his policies in any way? In fact, we do the very opposite of what he says. Our policies are to be. Still we have been punished."

Postmaster-General Hitchcock has admitted that we are being discriminated against right now, although we are not absolutely right in our position. It is excepting to oppose Cannon and the House machine.

In Aiding Cannon.

"The President is aiding Cannon. There is no other construction that can be placed upon this move of the administration. If he is not, why have he singled out the insurgents and been singled out as the ones upon which the presidential displeasure is to be visited? If the President is not aiding Speaker Cannon, then why are only the anti-Cannon men being punished by the Postmaster-General, acting as secretary of the House?"

Mr. Norris said that this effort to defeat us by starting fights against us at home is open to very vigorous criticisms. I have no objection to Speaker Cannon or any of his supporters coming to Nebraska and making any kind of fight upon me, but I do not think that the Republican Congressional Committee has any honorable right to attack. It is unjust and unfair.

"That the committee is doing this, there is no doubt in my mind."

WANT SIMPLICITY IN GOVERNMENT

(Continued From Page One—Column 1.)

Constitution of Virginia, and its chapter on the government of cities and towns, as going too much into detail instead of laying down broad principles. The result of the morning discussion was the appointment of a committee of five, with the chairman, John W. Craddock, of Lynchburg, to draft a series of resolutions to be presented yesterday afternoon. The committee was made up of Robert B. Tunstall, of Norfolk, vice-president of the City Council; chairman, R. Bolling Wilcox, of Petersburg; Ashby Williams, of Roanoke; Edward L. Ford, of Newport News; and Mayor J. D. Craddock, chairman of the general committee, and it, E. Steed, City Clerk, of Norfolk, secretary of the committee, were ex-officio members.

Mayor Cutchin, of Roanoke, took the floor in opposition to the committee report, holding that in his city there was no objection to the bi-cameral Council, under certain limitations. He argued for the two branches as a check on each other to prevent the overloading through of measures. He was also opposed to the proposed election of wards in cities, and the election of commissioners at large.

Want Simplified System.

Mr. Wilcox, of Petersburg, thought that would defeat the very purpose of the proposed amendment. The one clause in the Constitution which has prevented the adoption of straight-out measures, he said, was that calling for a bi-cameral Council in cities of the first class. He held that since no city would be called on to adopt the changes unless it desired to do so, it was essential that those desiring change be permitted to get away from the present mandatory clauses in the Constitution. Mr. Williams, of Roanoke, said that such matters should be placed in the hands of the Legislature, where as much liberty and self-government as is possible could be given to the cities. Before the noon

tion of the Constitution of 1904, he argued, the form of government of each city was determined by the city itself, which formulated a charter and asked the Legislature to grant it. Mayor Cutchin thought the present section of the Constitution should be retained, with the proviso added as an optional clause that the Legislature might grant a commission form of government to any city so desiring, leaving the commission and a straight-out two-chamber council as at present provided for all cities of the first class. Mr. Tunstall, of the committee, held that it was unwise to legislate in the Constitution, or to tie the cities down to two optional plans. Some cities, he held, might hereafter find it desirable to adopt the Boston plan, which has but one chamber in its council.

Say Term Is Vague.

The debate was long and involved, many legal points being raised, several speakers declaring that the term "commission" is too vague and unmeaning covering as many as a dozen varieties of proposed government plans. At a late hour Mr. Reed, of Portsmouth, offered the following substitute, which was debated at length, and finally rejected by a close vote:

"Resolved, That the General Assembly be petitioned to take such steps as may be necessary to amend article 8 of the Constitution of the State in so far as will permit other forms of municipal government than now provided in said article."

Following the defeat of the Reed substitute, and the adoption of an amendment to the committee report, providing that such changes shall be optional with each city, to be determined by a majority of the qualified voters, the committee report was recommended to-day to the general conference.

Would Amend Code.

The resolutions relating to changes in the Code of Virginia not being so far-reaching importance, were brought to a little debate and no real opposition.

At the night session Mr. Twyman, of Charlottesville, raised the question whether in the event of the reduction of the membership of the Council to the minimum number, in such cases, the Council the practical effect of a commission, it would be legal for the Councilmen to be paid for their time. After debate the question of the Councilmen's salaries in such instances was referred to the committee on resolutions, with instructions to report to the general conference to-day.

Mayor Cutchin, of Roanoke, called attention to section 170 of the Constitution, which provides for the provision for assessment of abutting property owners for the cost of local street and sidewalk improvement. He proposed an amendment which would allow assessments for paving and improvements as well as for sidewalks and alleys, as at present provided. The following is the text of his resolution, which was referred to the committee on resolutions to report to-day:

Change Local Assessment Law.

"Resolved, That the General Assembly be petitioned to amend section 70 of Article 8 of the Constitution of Virginia as to eliminate the prohibition against the imposition by cities of a tax or assessment upon abutting land owners for streets or other public local improvements."

Mr. Cutchin claimed that under the existing law, even in the case of sidewalks and alleys, the cities could not impose an assessment in excess of the benefit to the property. Other speakers considered that a wise limitation.

Resolutions looking to a uniform system of accounting for cities, and for the auditing of accounts by some auditing company, approved by the State Corporation Commission, were referred to the committee on resolutions.

John W. Craddock, of Lynchburg, was nominated for permanent chairman, Robert Tunstall, of Norfolk, for vice-chairman, and R. E. Steed, of Norfolk, as secretary.

Many Delegates Enrolled.

Many delegates to the conference were enrolled yesterday, although others are expected to-day. Those who registered yesterday were:

Richmond: City Council—R. Lee Peters, John A. Cutchin, Julius A. Hobson, J. B. Wood, Joseph E. Powers, Chamber of Commerce—James Caskie H. L. Cabell, C. D. Coleman, H. W. Rountree, Coleman Wortham, W. T. Dabney.

Norfolk: City Council—Robert B. Tunstall, Ira T. Holt, R. E. Summers, B. A. Banks, B. Spigel, C. W. Northern, Board of Trade—Leo Judson, Jos. C. Fivesh, W. H. Sergeant, Jr., Robert Johnson.

Other than City Council from Norfolk: T. S. Purdie, Chamber of Commerce; J. H. Spence, City Clerk; Merritt T. Cooke, J. T. Deal, W. W. Sale, Petersburg: City Council—Richard B. Davis, R. Bolling Wilcox, Charles W. Bland, Business Men's Association—E. H. Patterson, C. H. Davis, E. L. Quarles.

Norfolk: City Council—L. B. Davis, A. M. Nelson, John R. St. Clair, E. B. Spencer, Ashby Williams, William McDermott, S. Hamilton Graves, Chamber of Commerce—C. E. Michael, John W. Woods, J. H. Marsteller, W. L. Shafer, Lucier H. Cooke, Joel H. Cutchin, Mayor, E. B. Spencer.

Newport News: City Council—Edward I. Ford, D. S. Jones, W. C. Harris, E. W. Robinson, R. P. Holt, C. G. Nelms, Chamber of Commerce—W. S. Copeland.

Lynchburg: Municipal and Commercial—R. B. Pettigrew, A. R. Long, T. C. Long, R. E. Steed, Frank H. Almond, Walter E. Addison, John W. Craddock.

Portsmouth: City Council—E. B. Hawkes, H. L. Watts, J. H. Hall, Jr., S. T. Montague, L. M. Palmer, J. Davis Reed, Mayor.

Danville: John W. Carter, L. P. Slater, City Clerk.

Alexandria: Municipal—J. R. M. Curtin, Hubert Snowden, W. W. Ballinger, Howard W. Smith, P. J. Puff, Mayor, Commercial—A. D. Brockett, J. K. Held, James R. Caton, J. L. Williams, F. Harper.

Charlottesville: City Council—E. G. Haden, Mayor; F. W. Twyman, Chamber of Commerce—W. H. Wood, J. A. Wood, R. A. Watson, R. W. Holsinger, Fredericksburg: Mayor, W. E. Bradley, Business Men's Association—Henry Warden, E. D. Cole, Dr. J. G. King, W. L. Brannan.

Suffolk: City Council—W. D. Ferguson, H. W. Campbell, J. H. Macleary, W. S. Beaman.

Amorton: W. L. C. Tallarero, City Attorney.

Susie Rosalie Gallagher, youngest daughter of Mrs. Mary A. and the late Mr. Gallagher, died yesterday at her residence at 1115 West Main Street, in her sixty-first year. She is survived by her mother, Mr. and Mrs. J. C. Abbott's Store, 1103 Hull Street (Manchester) and at the Premium Department of The Times-Dispatch, 916 East Main Street, Richmond, Va.

FILES CURED IN 6 TO 14 DAYS.

PAZO OINTMENT is guaranteed to cure all files in 6 to 14 days or money refunded. 50c.

made in Mount Calvary Cemetery. Funeral of Dr. McCown. (Special to The Times-Dispatch.) Gordons